

**BOBBY JINDAL**  
GOVERNOR



**HAROLD LEGGETT, Ph.D.**  
SECRETARY

## State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL SERVICES

FEB 05 2009

CERTIFIED MAIL 7008 1830 0004 1421 6272 -RETURN RECEIPT REQUEST

File No.: LA0117871

AI No.: 115818

Activity No.: PER20080001

Mr. Bill Tribaldos  
Louisiana Specialty Products, Inc.  
4416 Industrial Drive  
New Iberia, LA 70560

RE: Draft Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge once through non-contact cooling water via pipe to open ditch thence into Segura BR Canal, thence to Bayou Petite Anse from an existing vinegar manufacturing and bottling facility located at 4416 Industrial Drive in New Iberia, Iberia Parish.

Dear Mr. Tribaldos:

The Department of Environmental Quality proposes to reissue an LPDES permit with the effluent limitations, monitoring requirements, and special conditions listed in the attached DRAFT PERMIT. Please note that this is a DRAFT PERMIT only and as such does not grant any authorization to discharge. Authorization to discharge in accordance with this permitting action will only be granted after all requirements described herein are satisfied and by the subsequent issuance of a FINAL PERMIT. Upon the effective date, the FINAL PERMIT shall replace the previously effective LPDES permit.

This Office will publish a public notice one time in the local newspaper of general circulation, and in the Department of Environmental Quality Public Notice Mailing List. A copy of the public notice containing the specific requirements for commenting to this draft permit action will be sent under separate cover at the time the public notice is arranged. In accordance with LAC 33:IX.6521.A, the applicant shall receive and is responsible for paying the invoice(s) from the newspaper(s). LAC 33:IX.6521 states, "...The costs of publication shall be borne by the applicant."

The invoice, fee rating worksheet, and a copy of the fee regulations will be sent under a separate cover letter as applicable. Please note that a copy of the fee rating worksheet is also attached to this draft permit. A copy of the entire Louisiana Water Quality Regulations may be obtained from the LDEQ Office of Environmental Assessment, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, (225) 219-3236.

Louisiana Specialty Products, Inc.  
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Pursuant to LAC 33:IX.1309.1, LAC 33:IX.6509.A.1 and LAC 33:I.1701, you must pay any outstanding fees to the Department. Therefore, you are encouraged to verify your facility's fee status by contacting LDEQ's Office of Management and Finance, Financial Services Division (225) 219-3863 or accessing LDEQ's web site at [www.deq.louisiana.gov](http://www.deq.louisiana.gov). Failure to pay in the manner and time prescribed could result in applicable enforcement actions as prescribed in the Environmental Quality Act, including, but not limited to, revocation or suspension of the applicable permit and/or assessment of a civil penalty against you.

Should you have any questions concerning any part of the DRAFT PERMIT, public notice requirements, or fee, please contact Yvonne Baker, Office of Environmental Services, at the address on the preceding page, telephone (225) 219-3107. To ensure that all correspondence regarding this facility is properly filed, please reference your Agency Interest number 115818 and LPDES permit number LA0117871 on all future correspondence to this Department, including Discharge Monitoring Reports.

Sincerely,



Jesse Chang, Environmental Scientist Manager  
Industrial Water Permits Section

ywb

Attachment(s) including draft permit, statement of basis and fee sheet:

c: Yvonne Baker  
Water Permits Division

IO-W

cc: Ms. Gayle Denino  
Office of Management & Finance

Permit Compliance Unit  
Office of Environmental Compliance

Cheryl LeJeune  
Water Permits Division

Public Participation Group (for PN)  
Office of Environmental Assistance

## **GUIDANCE TO UNDERSTANDING THE WATER PERMIT FORMAT**

### **Components of the Permit Report**

**General Information Sheet** - A summary of the facility information, such as all permit and ID numbers, facility physical and mailing addresses, latitude/longitude at front gate, facility contacts and phone numbers, Standard Industrial Classification (SIC) and North American Industry Classification (NAICS) codes.

**Inventory Sheet** - Lists all subject items and descriptions, any relationships that may exist between subject items, and any alternate identifications for the subject items.

**Effluent Limitations and Monitoring Requirements** - Subject items are listed including Parameters, Discharge Limitations and Units, Sample Type, Frequency, and Which Months. See example below.

Parameter	Discharge Limitations					Monitoring Requirements		
	Quantity / Loading Average	Quantity / Loading Maximum	Quantity / Loading Units	Quality / Conc. Minimum	Quality / Conc. Average	Quality / Conc. Maximum	Frequency	Sample Type Which Months
TSS (Total Suspended Solids) 00530 <sup>A</sup> 1 <sup>B</sup>	1025	1350	lbs/day	*****	30	45	quarterly	grab sampling All Year

### **Footnotes:**

- A Number identifying the STORET code.  
B Number identifying monitoring location.

**Narrative Requirements** - All applicable narrative requirements for the entire Agency Interest (AI) appear in text form. Submittal Actions and Narrative Requirements for each Subject Item follow the Agency Interest narrative requirements.

### **Definitions**

**Agency Interest (AI)** - Any entity that is being regulated or is of interest to LDEQ

**Agency Interest (AI) ID** - Numerical identifier of Agency Interest (AI)

**Activity Number** - Each action taken for an Agency Interest (AI). This identifier consists of a total of 11 characters, 3 letters represents the regulatory program followed by four digits representing the year the application was received by LDEQ, and four digits which are sequentially assigned. Example PER19990001, this would identify the activity as the *first permitting* action taken for this Agency Interest (AI) in the year 1999.

**Phases** - Periods during which the associated requirement applies to the particular parameter. *For Example*, if the permit contains a compliance schedule with interim limits, this column will state the phase in which the compliance schedule of the associated requirement is applicable.

**Subject Item (SI)** - Components or groups of components of an Agency Interest (AI), including the Agency Interest (AI) itself. Each Subject Item is defined by a category and a type. Note: The type does not appear in the Subject Item ID.

**Subject Item ID** - Identifier assigned sequentially to each Subject Item within an Agency Interest (AI). It is composed of three letters representing the category of the Subject Item and is followed by the sequentially assigned number. Example RLP 1.

**Which Months** - Denotes the months that have a particular parameter requirement. This is usually used for seasonal limitations.

**General Information Sheet**

Agency Interest/Facility Name: Louisiana Specialty Products Inc - New Iberia Vinegar Facility

Agency Interest/Facility ID: 115518

Also Known As:	ID	Name	By/For	Dates
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LA0117871	LPDES #	LPDES Permit #	08-29-2004
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Physical Location: 4416 Industrial Dr  
New Iberia, LA 70560

Main Phone: 3373659825

Mailing Address: 4416 Industrial Dr  
New Iberia, LA 70560

Location of Front Gate: 30° 2' 32" latitude, 91° 52' 33" longitude

Related People:	Name	Phone (Type)	Relationship
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	Guillermo Tribaldos	3378830481 (Work phone number)	Water Billing Party for
	Guillermo Tribaldos	3378830481 (Work phone number)	Water Permit Contact For

SIC Codes: 2088, Food preparations, nec

**Renewal Application**  
Louisiana Specialty Products Inc - New Iberia Vinegar Facility  
Subject Item Inventory  
Permit Number: LA0117871  
Activity ID No.: PER20080001

**Subject Item Inventory:**

ID	Designation	Description
AI115818		
RLP1		Outfall 001 - once through non-contact cooling water

**Receiving Stream Relationships:**

Subject Item	Relationship	Receiving Stream
RLP 1 Outfall 001 - once through non-contact cooling water	Discharges Into	Segura Branch Canal
	Then Into	Bayou Petite Anse

**KEY**

ACT = Activity  
ARE = Area  
EMS = Source  
FUG = Fugitives  
TRT = Treatment

AI = Agency Interest  
CON = Control Equipment  
EQT = Equipment  
RLP = Release Point  
UNP = Unpermitted

**DRAFT**



**PERMIT No.: LA0117871**  
**AI No.: 115818**

**OFFICE OF ENVIRONMENTAL SERVICES**

## **Water Discharge Permit**

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, and in reliance on statements and representations heretofore made in the application, a Louisiana Pollutant Discharge Elimination System permit is issued authorizing

Louisiana Specialty Products, Inc.  
4416 Industrial Drive  
New Iberia, LA 70560

**Type Facility:** vinegar manufacturing and bottling facility

**Location:** 4416 Industrial Drive in New Iberia  
Iberia Parish

**Receiving Waters:** Segura BR Canal, via pipe to open ditch thence into Bayou Petite Anse  
(Subsegment 060901)

to discharge in accordance with effluent limitations and monitoring requirements, narrative requirements, other conditions, and standard conditions attached hereto.

This permit shall become effective on \_\_\_\_\_

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

**DRAFT**

Issued on \_\_\_\_\_

\_\_\_\_\_  
**Cheryl Sonnier Nolan**  
Assistant Secretary

# EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Permit No.: LA0117871

Agency Interest: 115818

Subject Item: RLP0000000001:

Outfall 001 - once through non-contact cooling water

Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Discharge Limitations							Monitoring Requirements		
	Quantity / Loading Average	Quantity / Loading Maximum	Quantity / Loading Units	Quality / Conc. Minimum	Quality / Conc. Average	Quality / Conc. Maximum	Quality / Conc. Units	Frequency	Sample Type	Which Months
Carbon, total organic 00600 2	*****	*****	*****	*****	*****	5 DAILY MX	mg/l	monthly	grab sampling	All Year
Flow, in conduit or through treatment plant 50050 1	Report MO AVG	Report DAILY MX	gallons/day	*****	*****	*****	*****	monthly	estimate	All Year
pH 00400 1	*****	*****	*****	6 INST MIN	*****	9 INST MAX	s.u.	monthly	grab sampling	All Year
Water temperature, degrees F 00011 1	*****	Report INST MAX	F	*****	*****	*****	*****	monthly	temperature monitoring device	All Year

Limits and Monitoring 1 of 1

**Renewal Application**  
Louisiana Specialty Products Inc - New Iberia Vinegar Facility  
Facility Requirements  
Permit Number: LA0117871  
Activity ID No.: PER20080001

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AI0000115818:

**Narrative Requirements:**

Condition No.	Condition
T-1	Report violations of daily maximum limitations for the pollutants listed in Other Conditions orally to the Office of Environmental Compliance within 24 hours from the time you became aware of the violation followed by a written report in five days, under the provisions of Standard Conditions Section D.6.e. (3) of this permit. [LAC 33:IX.2707.G]
T-2	Achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule: Effective Date of the permit. [LAC 33:IX.2701]
T-3	If the flow measurement sample type indicated is specified as "estimate," flow measurements shall not be subject to the accuracy provisions established in this permit. The daily flow value may be estimated using best engineering judgement. [LAC 33:IX.2701]
T-4	Obtain prior approval from the Office of Environmental Services for any new proposed discharges at the site. [LAC 33:IX.2701]
T-5	Record all monitoring results per Standard Conditions Section C.4. [LAC 33:IX.2701.J.2]
T-6	If applicable, ensure that all storage tank installations with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area, are constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills. [LAC 33:IX.2701.A]
T-7	Any runoff leaving developed areas of the facility, other than through the permitted outfall(s), exceeding 50 mg/l Carbon, total organic (Storet 00680), 15 mg/l Oil and grease (Storet 03582), or having a pH (Storet 00400) less than 6.0 SU or greater than 9.0 SU shall be a violation of this permit. Any discharge in excess of these limitations, which is attributable to offsite contamination shall not be considered a violation of this permit. [LAC 33:IX.2701.A]
T-8	Prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWP3) within six months after permit effective date. The SWP3 shall apply to all stormwater discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheetflow. [LAC 33:IX.2701.A]

**Renewal Application**  
Louisiana Specialty Products Inc - New Iberia Vinegar Facility  
Facility Requirements  
Permit Number: LA0117871  
Activity ID No.: PER20080001

**AI0000115818 (continued):**

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**Narrative Requirements:**

Condition No.	Condition
T-9	<p>Include the following conditions in the SWP3 for the facility: A) an annual inspection of the facility site to identify areas contributing to the storm water discharge from developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWP3 are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed; B) a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of potential equipment failure (e.g. tank overflow or leakage), natural conditions (e.g. precipitation), or other circumstances which result in significant amounts of pollutants reaching surface waters; and C) an annual report of the inspection of the facility site which should contain, at a minimum, the date and time of inspection, the name of the inspector(s), conditions found, identification of any incidents of noncompliances, and changes to be made to the SWP3; and D) develop a site map which includes all areas where stormwater may contact potential pollutants or substances which can cause pollution. Any location where reportable quantity leaks or spills have previously occurred are to be documented in the SWP3. The SWP3 shall contain a description of the potential pollutant sources, including, the type and quantity of material present and what action has been taken to assure stormwater precipitation will not directly contact the substances and result in contaminated runoff. [LAC 33:IX.2701.A]</p>
T-10	<p>Utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to: A) maintaining adequate roads and driveway surfaces; B) removing debris and accumulated solids from the drainage system; and C) cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods. [LAC 33:IX.2701.A]</p>
T-11	<p>Clean up and dispose of all spilled product and other spilled wastes immediately according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. [LAC 33:IX.2701.A]</p>
T-12	<p>Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with state or federal safety regulations (i.e., requirement for non-slippery work surface). In all such cases, perform initial cleanup by physical removal and minimize chemical usage. [LAC 33:IX.2701.A]</p>
T-13	<p>Maintain all equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other material exposed to storm water in a manner which prevents contamination of storm water by pollutants. [LAC 33:IX.2701.A]</p>
T-14	<p>Recycle or contain for proper disposal all waste fuel, lubricants, coolants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment. Clean up spills of these materials by dry means whenever possible. [LAC 33:IX.2701.A]</p>
T-15	<p>Maintain all diked areas surrounding storage tanks or storm water collection basins free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. [LAC 33:IX.2701.A]</p>
T-16	<p>Equip all drains from diked areas with valves kept in the closed condition except during periods of supervised discharge. [LAC 33:IX.2701.A]</p>

**Renewal Application**  
**Louisiana Specialty Products Inc - New Iberia Vinegar Facility**  
**Facility Requirements**  
**Permit Number: LA0117871**  
**Activity ID No.: PER20080001**

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AI0000115818 (continued):

**Narrative Requirements:**

Condition No.	Condition
T-17	Inspect and maintain all check valves, tanks, drains, or other potential sources of pollutant releases on a regular basis to assure their proper operation and to prevent the discharge of pollutants. [LAC 33:IX.2701.A]
T-18	Assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (La. R.S. 30:2151, etc.). Reference management practices required under above regulations in the SWP3. [LAC 33:IX.2701.A]
T-19	Amend the SWP3 whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants. [LAC 33:IX.2701.A]
T-20	If the SWP3 proves to be ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWP3 shall be subject to modification to incorporate revised SWP3 requirements. [LAC 33:IX.2701.A]

**Renewal Application**  
Louisiana Specialty Products Inc - New Iberia Vinegar Facility  
Facility Requirements  
Permit Number: LA0117871  
Activity ID No.: PER20080001

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**RLP0000000001 Outfall 001 - once through non-contact cooling water:****Submittal/Action Requirements:**

Condition No.	Condition
S-1	Submit Monthly Discharge Monitoring Report (DMR): Due quarterly, by the 28th of January, April, July, and October. Prepare one DMR per month and submit all 3 reports quarterly. Postmark not later than 1) April 28th, for monitoring in the months of January, February, and March 2) July 18th, for monitoring in the months of July, August and September; and 4) January 28th, for monitoring in the months of October, November and December. [LAC 33:IX.2701.L.4]

**Narrative Requirements:**

Condition No.	Condition
T-1	<b>Discharge Monitoring Report</b> Prepare and submit DMRs for each outfall. Place an "X" in the No Discharge box located in the upper right corner of the DMR if there is a "No Discharge" event at any of the monitoring outfall(s) during the reporting period. Submit duplicate copies of DMRs (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503.B, and all other reports (one set of originals) required by this permit, to the Department of Environmental Quality, Office of Environmental Compliance, Permit Compliance Unit, Post Office Box 4312, Baton Rouge, Louisiana 70821-4312. [LAC 33:IX.2701.L.4]
T-2	Monitored at the point of discharge from the effluent pipe prior to combining with other waters. [LAC 33:IX.2701.J.4]
T-3	Carbon, total organic: Measure the difference between the TOC concentration of the once through cooling water system intake, and the TOC concentration of the once through cooling water system effluent. Concurrent sampling of cooling water system intake and effluent is required. [LAC 33:IX.2701.J]
T-4	There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or oily materials, nor of toxic materials in quantities such as to cause toxicity to aquatic organisms. [LAC 33:IX.1113.B]

Louisiana Specialty Products, Inc.  
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**Other Conditions:**

In addition to the standard conditions required in all permits and listed in STANDARD CONDITIONS FOR LPDES PERMITS, the Office has established the following additional conditions in accordance with the Louisiana Water Quality Regulations.

- A. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application or limited or monitored for in the permit.
- B. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.
- C. For definitions of monitoring and sampling terminology see STANDARD CONDITIONS FOR LPDES PERMITS, Section F.
- D. EPA document 833-R-92-002 (Storm Water Management for Industrial Activities) may be used as a guidance and may be obtained by writing to the U.S. Environmental Protection Agency, Office of Water Resources (RC-4100), 401 M Street, S.W., Washington D.C. 20460 or by calling (202) 260-7786.
- E. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Pollutant(s):

None

F. PERMIT REOPENER CLAUSE

In accordance with LAC 33:IX.2903, this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

- 1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- 2. Controls any pollutant not limited in the permit; or
- 3. Require reassessment due to change in 303(d) status of waterbody; or
- 4. Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

Louisiana Specialty Products, Inc.  
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**Other Conditions continued:**

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDLs. The LDEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

**G. Definitions**

**SPC:** Spill Prevention and Control. Plan covering the release of pollutants as defined by the Louisiana Administrative Code (LAC 33:IX.9).

**SPCC:** Spill Prevention Control and Countermeasures Plan. Plan covering the release of hazardous substances as defined in 40 CFR Part 112.

**Storm water Runoff:** aqueous surface runoff including any soluble or suspended material mobilized by naturally occurring precipitation events.

**Surface Water:** all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, wetlands, swamps, marshes, water sources, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction that are not part of a treatment system allowed by state law, regulation, or permit.

**Uncontaminated Ambient Water:** ambient water which is returned to the receiving water body without the addition of chemicals. Included are discharges of: (1) excess water which permit the continuous operation of fire control and utility lift pumps, and (2) excess water from pressure maintenance.

**Visible Sheen:** a silvery or metallic sheen, gloss, or increased reflectivity; visual color, or iridescence on the water surface.

**Wastewater:** liquid waste resulting from commercial, municipal, private, or industrial processes. This includes, but is not limited to, cooling and condensing waters, sanitary sewage, industrial waste, and uncontaminated Stormwater runoff.

**Waters of the State:** for the purposes of the Louisiana Pollutant Discharge Elimination system, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending there from three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers,

**Other Conditions continued:**

streams, (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2, and tributaries of all such waters. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.

**Accreditation:** means the formal recognition by the department of a laboratory's competence wherein a specific test or types of tests can be accurately and successfully performed in compliance with all the minimum requirements set forth in the regulations regarding laboratory accreditation.

**Commercial Laboratory:** mean any laboratory that performs analyses for third parties for a fee or other compensation, except those commercial laboratories accredited by the Department of Health and Hospitals in accordance with R.S.49:1001 et seq.

**H. 25-Year, 24-Hour Precipitation Event**

The term "25-Year, 24-Hour precipitation event" means the maximum 24-hour precipitation event with the probable recurrence interval of once in twenty-five years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.", May, 1961, or equivalent regional or rainfall probability information developed there from.

REVISED 4/27/07

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**STANDARD CONDITIONS FOR LPDES PERMITS****SECTION A. GENERAL CONDITIONS****1. Introduction**

In accordance with the provisions of LAC 33:IX.2701, et seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

**2. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**3. Penalties for Violation of Permit Conditions**

a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).

b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

**4. Toxic Pollutants**

a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

**5. Duty to Reapply**

a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.

**REVISED 4/27/07****Page 3 of 17****12. Severability**

If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

**13. Dilution**

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

**14. Facilities Requiring Approval from Other State Agencies**

In accordance with La R.S.40.4(A)(6) the plans and specifications of all sanitary sewerage treatment systems, both public and private, must be approved by the Department of Health and Hospitals state health officer or his designee. It is unlawful for any person, firm, or corporation, both municipal and private to operate a sanitary sewage treatment facility without proper authorization from the state health officer.

In accordance with La R.S.40.1149, it is unlawful for any person, firm or corporation, both municipal and private, operating a sewerage system to operate that system unless the competency of the operator is duly certified by the Department of Health and Hospitals state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

In accordance with La R.S.48.385, it is unlawful for any industrial wastes, sewage, septic tanks effluent, or any noxious or harmful matter, solid, liquid or gaseous to be discharged into the side or cross ditches or placed upon the rights-of-ways of state highways without the prior written consent of the Department of Transportation and Development chief engineer or his duly authorized representative and of the secretary of the Department of Health and Hospitals.

**SECTION B. PROPER OPERATION AND MAINTENANCE****1. Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**2. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**3. Proper Operation and Maintenance**

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

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- (4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.

d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state and in accordance with environmental regulations.

7. Percent Removal

For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3. and B.3.

## SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee shall allow the state administrative authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of this permit. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action; and

- b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

e. Sample Collection

- (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.
- (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

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Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503.

**6. Flow Measurements**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide to Methods and Standards for the Measurement of Water Flow, 1975," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. "Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.
- c. "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

**7. Prohibition for Tampering: Penalties**

- a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.

**8. Additional Monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use and disposal, approved under 40 CFR Part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

**9. Averaging of Measurements**

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

**10. Laboratory Accreditation**

- a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:

- (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
- (2) Required as part of any permit application;
- (3) Required by order of the department;
- (4) Required to be included on any monitoring reports submitted to the department;
- (5) Required to be submitted by contractor
- (6) Otherwise required by department regulations.

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**4. Monitoring Reports**

Monitoring results shall be reported at the intervals and in the form specified in narrative portion of the Facility Specific Requirements document or Other Conditions of this permit.

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) on the form specified in the permit. Preprinted DMRs are provided to majors/92-500's and other designated facilities. Please contact the Permit Compliance Unit concerning preprints. Self-generated DMRs must be pre-approved by the Permit Compliance Unit prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to:

Supervisor, Permit Compliance Unit  
Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, LA 70821-4312

Copies of blank DMR templates, plus instructions for completing them, and EPA's LPDES Reporting Handbook are available at the department website located at:

<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2276>

**5. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

**6. Requirements for Notification****a. Emergency Notification**

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Prompt Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

**b. Prompt Notification**

As required by LAC 33:I.3917, in the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify the department within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) in accordance with LAC 33:I.3923.

In accordance with LAC 33:I.3923, prompt notification shall be provided within a time frame not to exceed 24 hours and shall be given to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) as follows:

- (1) by the Online Incident Reporting screens found at  
<http://www3.deq.louisiana.gov/surveillance/irf/forms/>; or

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- (6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;
- (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.
- (8) Written notification reports shall be submitted to the Office of Environmental Compliance, Surveillance Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT."

Please see LAC 33:1.3925.B for additional written notification procedures.

- e. **Twenty-four Hour Reporting.** The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and; steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);
- (2) Any upset which exceeds any effluent limitation in the permit;
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Other Conditions of the permit to be reported within 24 hours (LAC 33:IX.2707.G.).

#### 7. **Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

#### 8. **Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

#### 9. **Discharges of Toxic Substances**

In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Water Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
  - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - (1) One hundred micrograms per liter (100 µg/L);
    - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2501.G.7; or
    - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or
  - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
  - (3) The written authorization is submitted to the state administrative authority.
- c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
  - d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### 11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

- a. The name and address of any permit applicant or permittee;
- b. Permit applications, permits, and effluent data.
- c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

### SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION

#### 1. Criminal

##### a. Negligent Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

##### b. Knowing Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under

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4. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including, effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308 and 403.
5. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.
6. Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health and Hospitals in accordance with R.S.49:1001 et seq.
7. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.
8. Daily Maximum discharge limitation means the highest allowable "daily discharge".
9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.
10. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.
11. Domestic sewage means waste and wastewater from humans, or household operations that is discharged to or otherwise enters a treatment works.
12. Environmental Protection Agency or (EPA) means the U.S. Environmental Protection Agency.
13. Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, unless more time is needed to collect an adequate sample, and is representative of the discharge.
14. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
15. LEQA means the Louisiana Environmental Quality Act.
16. Louisiana Pollutant Discharge Elimination System (LPDES) means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.

27. Weekly average, (also known as 7-day average), other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all "daily discharge(s)" measured during a calendar week divided by the number of "daily discharge(s)" measured during that week. When the permit establishes weekly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the weekly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar week where C = daily discharge concentration, F = daily flow and n = number of daily samples; weekly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes weekly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the weekly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar week.

The weekly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

28. Sanitary Wastewater Term(s):

- a. 3-hour composite sample consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 3-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 3-hour period.
- b. 6-hour composite sample consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 6-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 6-hour period.
- c. 12-hour composite sample consists of 12 effluent portions collected no closer together than one hour over the 12-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 12-hour period. The daily sampling intervals shall include the highest flow periods.
- d. 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample continuously collected in proportion to flow over the 24-hour period.